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## A rare route to legalization

Japanese immigrant who lives in Chula Vista  
is the subject of legislation on Obama's desk



"Shiggy" Yamada, 28, moved with his mother to the U.S. in 2002. She died three years later. K.C. ALFRED • U-T

ELIZABETH AGUILERA • U-T

A Chula Vista man is one of the rare undocumented immigrants whose status has been cleared for legalization through a direct vote by Congress.

A private bill on behalf of Shigeru "Shiggy" Yamada, 28, who emigrated from Japan when he was 10, passed Wednesday in Washington, D.C., along with a private bill for a Japanese national who is the widow of a Tennessee Marine killed in combat.

The Yamada legislation, sponsored by Rep. Bob Filner, D-San Diego, and U.S. Sen. Dianne Feinstein, must now be signed by President Barack Obama. It's unclear if and when he would do so.

"I believe that Mr. Yamada represents a model American citizen, for whom removal from this country would represent an unfair hardship," Feinstein said last year when she introduced the Senate bill. "Without this legislation, Mr. Yamada

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will be forced to return to a country in which he lacks any linguistic, cultural or family ties."

Filner, who is sponsoring eight other private bills concerning immigration, did not return phone calls Friday. Private bills must be reintroduced each year; this was the sixth time for Yamada.

"I didn't think the private bill would pass," Yamada said. "Who am I to have that kind of benefit when hundreds of thousands of people are in this situation I am in? I am so fortunate."

Approval of private bills like Yamada's, which waive immigration restrictions, is considered extraordinary. Congress has not approved a private bill on behalf of an immigrant since 2004.

The lack of agreement on a broader immigration policy had contributed to the stagnation of related private bills, said Gregory Chen, director of advocacy for the American Immigration Lawyers Association.

Private bills, which must be sponsored by members of Congress, are typically reserved for extreme situations in which an individual has exhausted all avenues, has extenuating circumstances and, usually, has community support. Because there has been little hope of passage in recent years, most have been used to buy time. While a private bill is pending, the immigrant is allowed to stay in the country, Chen said.

Yamada's options were: wait for approval of the private bill, marry a U.S. citizen or bank on passage of the DREAM Act. The act, scheduled for a Senate vote today, would provide a pathway to legalization for undocumented high school graduates who go to college or enlist in the military.

Filner met Yamada after his attorney reached out to the congressman and news organizations spotlighted his plight in 2004, when he was detained by the Border Patrol during a surprise inspection on a city bus.

The other Japanese national given relief this week has seen her legality denied because she married Michael Ferschke by phone, and immigration law does not consider the marriage consummated since he died before they could reunite. She was pregnant with his child when they married and gave birth after Ferschke's death.

A private bill is the only way for an illegal immigrant to receive special dispensation. Previously, immigration agencies and judges could make those exceptions, but the 1996 Illegal Immigration Reform and Immigrant Responsibility Act scrubbed that discretion, Chen said.

"Private bills ... only help one person," Chen said. "They are not something that solves anything about the challenges of policy."

Since Yamada heard about the congressional

votes Wednesday, he has been celebrating.

"It's one of those situations where words can't really describe," said Yamada, the coordinator of the San Diego Lasik Institute. "That sounds so cheesy, but I am just overwhelmed with so much joy."

Yamada's mother moved to the U.S. with her three children in 1992 on a student visa, leaving behind an abusive husband and a successful nursing career to pursue the same vocation in San Diego. She became engaged to an American, then died in 1995 in a car accident.

Her kids were left in legal limbo. The youngsters were taken in by an aunt, but plans for adoption fell through as Yamada, the oldest, neared adulthood.

Reiko Yamada Lamb, Shiggy Yamada's sister who married a U.S. citizen after spending three years as an illegal resident, cried when she heard about approval of the private bill.

"He carried all these burdens for years," she said. "This was his dream come true."